



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION

Third periodic report of States Parties due in 1997

Addendum

GREECE*

[29 November 1999]

* For the initial report submitted by the Government of Greece, see document CAT/C/7/Add. 8; for its examination by the Committee, see documents CAT/C/SR. 63 and 64 and Official Records of the General Assembly Forty-sixth session, Supplement No. 44 (A/46/44), paras. 129-153. For the second periodic report, see document CAT/C/20/Add. 2; for its examination by the Committee, see documents CAT/C/SR. 181 and 182 and Official Records of the General Assembly, Forty-ninth session, Supplement No. 44 (A/49/44), paras. 148-158.

Introduction

1. Greece, being a very sensitive country in the field of protection of human rights, strictly adheres to the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Act 1872/1988.
2. In the framework of this strict adherence, during the period 1994-1997 our country has enriched its legislation with provisions which contribute to the prevention of any inhuman treatment of prisoners in Greek prisons and promote better living conditions during their imprisonment in correctional institutions as well as possibilities of alternatives to incarceration (commutation of sentences of imprisonment to fines, performance of community service in State departments).
3. The adoption of the following statutes enables:
 - the frequent supervision of the prisons by public prosecution officers (Act 2298/95 and Act 2331/1995);
 - the supervision of the prisons by joint supervisory groups (Act 2408/1996);
 - the education and training of the correctional personnel in matters of treatment of prisoners and human rights (Act 2298/1995).
4. Moreover, our country has ratified, by Act 1949/1991, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and is in close cooperation with the Committee for the Prevention of Torture which has been established on the basis of the said Convention.

Information on new measures and new developments in relation to the application of the Convention

A. Measures taken in accordance with the provisions of articles 2, paragraphs 1, 10 and 11 of the Convention

5. The new measures adopted by Greece during 1994-1997 are clearly expressed in the following acts, adopted by the Greek parliament.
6. Act 2298/1995 (as amended) introduces new institutions into the Greek correctional legislation and practice which aim at preventing any inhuman treatment and, at the same time, protecting the rights of prisoners. In particular, in accordance with paragraph 3 of article 5,

“A deputy public prosecutor of the court of appeal, assisted in his task by a public prosecutor of the magistrate’s court, is permanently installed in the four major prisons of the country, i.e. Korydallos, Thessaloniki, Patra and Larissa”.

“The deputy public prosecutor of the court of appeal and his substitute are appointed by resolution of the supreme judicial board from the relevant public prosecutor’s office for 1 year; he is installed in the correctional institution of his region and, during his period of service, he is released from his other duties”.

“The public prosecutor of the magistrate’s court and his substitute are appointed in the same way from the relevant public prosecutor’s office of the magistrate’s court for 1 year, assists in the tasks of the deputy prosecutor of the court of appeal and is also released from his other duties (art. 11, para. 2, Act 2331/1995)”.

"The term of office of the above public prosecution officers may be extended for one more year".

7. The other prisons of the country are visited by the public prosecutor of the magistrate's court at least once a week. During these visits, he sees prisoners who have asked for a hearing (art. 5, para. 2, Act 2298/1995). The frequent presence of the public prosecutor in the prisons and their supervision thereby guarantee:

- better living conditions of the prisoners;
- strict adherence to and application of the provisions of the Code of Basic Rules for the treatment of prisoners (Act 1851/1989) by the prison personnel;
- safeguard of the prisoners' rights;
- prevention of any inhuman treatment against prisoners.

8. Article 7 of Act 2298/95 (as amended) establishes at the Ministry of Justice the Central Prisons Scientific Board (CPSB), which is an advisory body. The CPSB consists of five members, is constituted by resolution of the Minister of Justice, who appoints its chairman and the substitute members, and is composed of personalities of recognized prestige in their field. In particular, the CPSB consists of 3 jurists involved in matters of criminal or correctional or constitutional law, three scientists specialized in penology or prisoner psychology or treatment of drug addicts or other relevant subject, the head of the General Directorate of Correctional Policy, the health control inspector and the head of the social work service of the Ministry of Justice (art. 5, para. 1, Act 2408/1996).

9. The duties of the CPSB are as follows:

(a) To make proposals to the Minister of Justice concerning the overall correctional policy as well as measures for the improvement of the operation conditions of the detention facilities and the unhindered exercise of the prisoners' rights;

(b) To elaborate and submit to the Ministry of Justice proposals for operating regulations of the detention facilities, following the opinion of the relevant Prison Board. Moreover, it proposes to the Minister of Justice the issuance of circulars, instructions and recommendations for the application of laws;

(c) To visit prisons and draw up reports which are submitted to the Minister of Justice. The management of each correctional institution is obliged to provide to the CPSB or its authorized members any accommodation and information for the performance of its task that it may require;

(d) To organize the training of correctional institution personnel;

(e) To supervise the performance of the employment, education and training programmes for prisoners.

10. Act 2298/95 (art. 9) established a three-member Prison Board in every detention facility, consisting of the prison warden as chairman, the senior psychologist or social worker and the senior special scientist (lawyer or sociologist or educator) as members. Minutes are kept during the sessions of the Board.

11. The Prison Board decides on all matters concerning:

- The education of the prisoners (arts. 39-48 of Act 1851/89);
- The communication with the broader social environment (articles 49-51 of Act 1851/89).

12. Permanent positions of employees at the correctional institutions are increased under the Act for the fields of university-educated psychologist and health-welfare technological education (social work speciality) (art. 8 of Act 2298/1995). This legislative arrangement provides more possibilities for psychological assistance and support to the prisoners by specialized scientific personnel.

13. Guards are obliged to attend the introductory education course of the Guard Personnel School (art. 10, para. 16, of Act 2298/95). During the two-month studies (ministerial resolution 16222/18.2.1997), newly appointed correctional officers obtain theoretical and practical education which helps them to meet the requirements of their duties better. Through the theoretical education, the correctional officers gain knowledge on:

- The provisions of the Correctional code;
- Texts of the United Nations and the Council of Europe concerning human rights;
- Alternative methods of sentence serving;
- Their duties, rights and obligations;
- Methods to resolve conflicts in prisons;
- Provision of first aid and handling emergencies;
- Handling mutinies and riots.

The practical education includes learning of self-defence and self-protection methods of the correctional officers.

14. Under Act 2331/1995, the prisoners have the possibility to receive extraordinary leave of absence by resolution of the public prosecutor of the magistrate court of their place of detention, in order to meet a special imperative need (funeral of spouse or first-degree relative or visit to spouse or first-degree relative in urgent certified critical circumstances of their health) (art. 21).

15. Article 99 of Act 1851/1989 (Correctional Code), which refers to measures of order, protection and appeasement imposed on prisoners when order and safety are disturbed, is amended by Act 2408/1996 as follows:

"The preservation of order and safety of the facility is the duty of the correctional personnel. When a collective insubordination or resistance of prisoners to a legal order is displayed, especially an order to return to cells, the public prosecutor and, in case of emergency, the warden or deputy warden or the chief guard who lawfully replaces the warden, may call for the assistance of police provisions. The call is in writing and, in case of emergency, orally followed by the relevant document. The public prosecutor may revoke the relevant call of the warden or his lawful substitute. The public prosecutor is present during the police intervention and orders the necessary measures. In case of emergency, he is informed by phone, gives the necessary instructions and goes immediately to the correctional facility" (art. 3, para. 7).

16. The importance of the above legislative arrangement is major because, in case of disorder in the prison, the public prosecutor is the person who decides on the measures to be taken and the person who coordinates the actions to restore the order. Thus, the presence and instructions of the public prosecutor act as a safety valve against any potential cruel behaviour or humiliating treatment of the prisoners.

17. The Minister of Justice establishes by resolution joint prison supervision groups consisting of employees of the Central Department of the Ministry of Justice, correctional officers of any grade and field and special scientists (art. 5, para. 2 of Act 2408/1996). These groups supervise the prisons and draw up reports. Moreover, they cooperate with the competent public prosecutor to whom they report their arrival and commencement of supervision and to whom they forward a copy of their report.

B. Measures taken in accordance with article 12 of the Convention

18. All complaints made against correctional officers for acts of torture and abuse of prisoners were investigated in depth by the competent judicial authorities, in accordance with the provisions of article 12 of the Convention. At the same time, and regardless of the criminal proceedings the prescribed disciplinary procedure was also initiated against the alleged offenders, given that article 3, paragraph 15, Act 2479/1997 stipulates that "For disciplinary offences of the personnel of the detention facilities, the Minister of Justice or the General Secretary of the Ministry of Justice may order a disciplinary preliminary investigation by a public prosecution officer".

19. In particular, during 1994-1997, four complaints were made against correctional officers for abuse of prisoners. Disciplinary preliminary investigations were carried out by the head of the relevant Public Prosecutor's Office of the First Instance Court for each complaint separately, following the order of the General Secretary of the Ministry of Justice. The charges were proved unfounded for all four complaints and the cases were filed.

20. One case is currently pending concerning a lawsuit filed by a prisoner for illegal actions of correctional officers. By document number 64969/20.5.1997, the General Secretary of the Ministry of Justice ordered the head of the Public Prosecutor's Office of the First Instance Court of Piraeus to carry out a disciplinary preliminary investigation which has not been completed to this day.